



## TOQUERVILLE PLANNING COMMISSION MINUTES

Wednesday, October 21, 2015

6:30 P.M. Work Meeting & 7:00 P.M. Regular Meeting

Held at 212 N. Toquerville Blvd, Toquerville Utah

### 6:30 pm – WORK MEETING:

**ATTENDANCE:** Planning Commission (PC) Members: Chair Keen Ellsworth, Jerome Gourley, David Hawkins, and Jake Peart; Zoning/Staff Administrator Mike Vercimak, City Recorder Renee Garner, Others: Russ Larsen, and Susan Whiting.

Chair Ellsworth opened the meeting at 6:30 pm.

1. Review assignments given to PC from CC. Chair acknowledged Susan who is seeking a conditional use permit for a bed and breakfast. She stated she'd gotten her LLC and the fire district had approved their home for the business. She said that family was staying with her right now but she was planning for guests in future. Mike showed them the new ordinance and fire district memo. Both state total occupancy up to ten (10) individuals including family members.

Keen reviewed the assignments from City Council (council) with PC and Mike V: (1) Change code regarding secondary structure height in residential zoning. Mike recommended deleting the definition for "Guest House" in Title 10 and add a new definition for "Casitas, Guest Houses, Mother-in-Law apartments", to state: "Any accessory dwelling space to be located on a single family residential lot shall be a part of the main dwelling unit and share at least one common wall with said unit. This dwelling space may contain kitchen facilities, bathroom facilities, sleeping quarters and general living space. This space cannot be rented or otherwise used as a separate living until." This change would eliminate the tendency for secondary structures to become separate living quarters. He thought we should allow secondary structures to be 25 feet high. He explained that we want to discourage renting rooms in single family residential zoning as that morphs the zoning into multifamily.

(2) Update a master plan for Anderson Junction to assist in productive growth. Mike V clarified that a city wide plan is called a "General Plan". The PC amended it almost two years ago and it was never completely approved because the engineer did not finish the maps. PC discussed the possible time line for the reservoir and the by-pass road. Renee updated PC on the latest information from council, that Mayor was asking a group sponsored by the State to come down and look at the Anderson Junction area and help us with a plan. Keen concluded that he would be able to talk to Mayor and coordinate with those efforts. Chair asked Renee to send PC the last update of the General Plan and the final approvals completed for them to pick that back up and get it finalized.

(3) Update Night Sky ordinance to insist all new lighting is LED. Mike opined that this would need to be set aside until council made a decision on the LED lighting.

2. Chair reviewed home occupation and conditional use (HOCU) Permits for the month of October, 2015: Lava Heights Academy, Melanie Habibian; Conditional Use Permit. Renee said there are occasional complaints about the lighting of their facility. It's clearly visible coming down the north hill into town. She clarified that Wayne Pope had looked at the lighting there three years ago and stated it was within the Night Sky ordinance standards. After discussion Chair declared permit found current and in compliance.

Chair asked Renee to consolidate the November and December PC agendas if possible. He dismissed the work meeting at 6:59 pm.

### 7:00 pm – REGULAR MEETING:

Chair Keen Ellsworth called the meeting to order at 7:00 pm.

1. The pledge was led by David Hawkins.
2. Chair asked for any disclosures or declarations of conflict with agenda items. David mentioned that the Whitings were his neighbors and Chair welcomed that disclosure and told him he still needed to vote.

**A. REVIEW OF MINUTES:** Minutes of the September 16, 2015, PC meeting were reviewed. Chair called for a motion.

**Motion** by David Hawkins to approve the minutes was second by Jerome Gourley. Chair stated minutes were approved unanimously by Hawkins, Ellsworth, Gourley, and Peart.

**B. PUBLIC HEARING:** Chair declared the Public Hearing open for public comment.

1. Chair asked for comment on item 1. Application for conditional use permit of a bed and breakfast business, "Zion's Garden Bed & Breakfast": Susan Whiting at 250 West Peachtree Dr., Parcel #T-AHP-A-5.

No comments given, Chair closed the public hearing.

**C. PUBLIC FORUM:** Comments & requests for future agenda items. Chair asked for comments. None were given.

### D. ACTION ITEM:

1. Item: Review and possible recommendation to council for approval on application for conditional use permit of a bed and breakfast business, "Zion's Garden Bed & Breakfast": Susan Whiting at 250 West Peachtree Dr., Parcel #T-AHP-A-5.

Chair called for a motion.

**Motion** was by Jerome Gourley to approve for recommendation to council the conditional use permit of a bed and breakfast business, "Zion's Garden Bed & Breakfast": Susan Whiting at 250 West Peachtree Dr., Parcel #T-AHP-A-5, with Staff recommendations as presented. Second was by David Hawkins. Staff recommendations are:

1. The owner shall limit total occupancy on the dwelling to no more than 10 persons.
2. Parking on Peachtree Drive shall not be permitted in conjunction with the business.
3. The applicant shall obtain all Local, State and Federal licenses and permits required and agrees to abide by all rules and regulations of each such jurisdiction.
4. The applicant will meet with the Hurricane Valley Fire District and comply with all rules, regulations and inspections of the District.

10-21-15 Planning Commission Minutes Continued

5. This permit shall not be enlarged, expanded or changed otherwise without express written consent of the City of Toquerville.
6. Applicant will be required to meet with Ash Creek Special Service District to pay additional impact fees for the business.
7. Separate entrances into guest rooms is prohibited and no cooking facilities are allowed in guest rooms.
8. This permit will receive an annual review by the Toquerville Planning Commission.
9. Other conditions deemed necessary by the Toquerville Planning Commission.

Chair called for a vote, after which stating the item passed unanimously by Hawkins, and Ellsworth, Gourley, and Peart.

This item will now go before the City Council for action. If passed there, Renee will prepare the conditional use permit and business license to be in effect for January 2015 as requested by applicant.

2. Review and possible approval of home occupation & conditional use permit(s) for the month of October, 2015.

Chair called for a motion.

**Motion** was given by Jerome Gourley to approve the annual review of the October HOCUPs with all conditions continued for Lava Heights Academy, Melanie Habibian; Conditional Use Permit. Second was given by David Hawkins. Chair stated the motion to approve the October HOCUPs passed unanimously by Peart, Ellsworth, Gourley, and Hawkins.

ADJOURNMENT: Meeting was adjourned by Chair Keen Ellsworth at 7:05 pm.

Minutes of the Toquerville Planning Commission meeting of October 21, 2015, will be presented for review and approval in the November meeting.

Approved: \_\_\_\_\_

Planning Commission Chair Keen Ellsworth

Date: 11/18/15

Attested: \_\_\_\_\_

Renee S. Garner, City Recorder/ Clerk

Coleen M. Orth